

## REMARKS

### I. FORMAL MATTERS

Applicants thank the Examiner for granting the Request for Continuing Examination.

Claims 2-37 are currently pending in the application. We are pleased to report that the Examiner has allowed claims 11-30 and 33-36.

The Information Disclosure Statement filed on February 29, 2008 has been considered by the Examiner. A signed copy of the PTO/SB/08 form has been received by Applicants.

The Examiner has acknowledged Applicants' claim for foreign priority under 35 U.S.C. § 119.

### II. CLAIM AMENDMENTS

Claims 3 and 7 are canceled hereby, without prejudice.

Claims 6 and 37 are amended hereby to include all of the elements of canceled claim 7.

No new matter is being added by these claim amendments. Support can be found throughout the originally filed specification and claims.

### III. 35 U.S.C. § 112 CLAIM REJECTIONS

Claim 3 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

As stated above, claim 3 is canceled hereby, therefore the § 112 rejection is now moot.

### IV. 35 U.S.C. § 102 CLAIM REJECTIONS

Claims 2, 3, 6-8, 31, 32 and 37 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2005/0116069 to Murata (Murata).

In view of the cancellation of claims 3 and 7, the § 102 rejections with respect to these claims are now moot. However, Applicants address the Examiner's rejection of claim 7 as they now relate to currently amended claims 6 and 37.

With regard to claims 2, 6, 31, 32, and 37, the Action indicates that paragraphs [0118], [0192] and Fig. 9 of Murata discloses each of the elements of these claims. Applicants respectfully disagree.

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Original claims 2, 31, 32 and amended claims 6 and 37 recite in relevant part, "the amount of a droplet, which has just been ejected from the fluid-ejecting hole, of the fluid is less than 1 pl."

Applicants submit that the Action provides no indicia of support for the argument that Murata teaches at least the aforementioned element of claims 2, 6, 31, 32 and 37. With regard to a volume of a droplet, Murata merely states in paragraph [0006] of the *Background Art* section that "currently, in an inkjet system (piezo system or thermal system) that is practically and popularly used, a minute amount of liquid, smaller than 1 pl, cannot be easily ejected." Thus, Murata does not disclose that "the amount of a droplet, which has just been ejected from the fluid-ejecting hole, of the fluid is less than 1 pl" as recited in claims 2, 6, 31, 32 and 37 of the present invention.

Therefore, Applicants respectfully request withdrawal of the Examiner's § 102 rejection of claims 2, 6, 31, 32 and 37. Because claims 4-5 and 8-10 depend from independent claims 2 and 6 respectively, the rejections of claims 4-5 and 8-10 are also improper at least in view of the foregoing arguments, and withdrawal of the § 102 rejections of claims 4-5 and 8-10 is also requested.

#### V. 35 U.S.C. § 103 CLAIM REJECTIONS

Claims 4, 5, 9 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Murata.

In view of the aforementioned arguments with respect to independent claims 2 and 6, Applicants submit that Murata fails to provide support to establish a prima facie case of obviousness for Applicants' claimed subject matter because Murata fails to teach or suggest each claim element.

Applicants therefore respectfully request withdrawal of the § 103 rejections of claims 4, 5, 9 and 10.

**CONCLUSION**

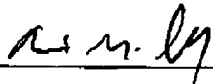
In view of the foregoing, Applicants believe the pending application (claims 2-37) is in condition for allowance, and allowance is respectfully solicited.

If the Examiner believes that any outstanding issue could be resolved through a telephone interview, Applicant kindly requests the Examiner to contact the undersigned at the telephone number listed below.

Applicant submits that no fees are due at this time. However, the Office is conditionally authorized to charge Debit Account No. **04-1105** for any additional fees necessary to have this Amendment entered and considered.

Dated: July 7, 2008

Respectfully submitted,

By 

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